No. 13,057

In the United States Court of Appeals for the Ninth Circuit

JAMES C. GIBBS, LIBELANT-APPELLANT

v.

UNITED STATES OF AMERICA

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

BRIEF FOR THE UNITED STATES

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INDEX

CITATIONS

Cases:

Cases—Continued

Statutes:

Miscellaneous:

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JURISDICTION

The jurisdiction of the District Court rests upon the Public Vessels Act, 1925 (46 U.S.C. 781-780), by reason of a libel in admiralty filed September 23, 1948, to recover damages for injuries aboard the USS ANTIETAM on November 19, 1946.

This Court's jurisdiction rests upon 28 U.S.C. 1291 by reason of a notice of appeal, filed June 14, 1951, from a decree in favor of the respondent United States, entered on March 30, 1951.

QUESTIONS

Appellant, a shoreside civil service employee of the San Francisco Naval Shipyard, was injured while

working as a member of a mixed gang of civil and military service employees engaged in repairing the ammunition compartments aboard the aircraft carrier USS ANTIETAM. He had two remedies, one under the Public Vessels Act, the other under the Federal Employees' Compensation Act. He was furnished hospitalization and medical treatment under Section 9 of the Compensation Act, but did not claim monthly payments of compensation thereunder, electing instead, pursuant to Section 8 of the Act, to use his accrued and advanced sick leave to remain at all times in a full pay status. The questions are—

1. Whether in the absence of an explicit statutory direction for double recovery or election, the injury, illness or death in the performance of duty of civil, unlike military, service employees of the United States gives rise to a right of recovery against the Government or whether the sole right of civil and military employees alike is to the benefits of the compensation, paid leave and retirement statutes applicable to employees of their particular type.

2. Whether acceptance of benefits in accordance with the applicable compensation and leave statutes precludes government personnel or their dependents from thereafter maintaining suit for injury, illness or death against the United States.

STATUTES

The Federal Employees' Compensation Act, 1916, as amended, provides in pertinent part (5 U.S.C. 751, 757, 758, 759, 790):

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States shall pay compensation as hereinafter specified for the disability or death of an employee resulting from a personal injury sustained while in the performance of his duty, but no compensation shall be paid if the injury or death is caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or if intoxication of the injured employee is the proximate cause of the injury or death.

* * * * * * *

Sec. 7. * * * *Provided,* That whenever any person is entitled to receive any benefits under this Act by reason of his injury, or by reason of the death of an employee, as defined in section 40, and is also entitled to receive from the United States any payments or benefits (other than the proceeds of any insurance policy), by reason of such injury or death under any other Act of Congress, because of service by him (or in the case of death, by the deceased) as an employee, as so defined, such person shall elect which benefits he shall receive. Such election shall be made within one year after the injury or death, or such further time as the commission may for good cause allow, and when made shall be irrevocable unless otherwise provided by law.

Sec. 8. That if at the time the disability begins the employee has annual or sick leave to his credit he may, subject to the approval of the head of the department, use such leave until it is exhausted, in which case his compensation shall begin on the

fourth day of disability after the annual or sick leave has ceased.

Sec. 9. That for any injury sustained by an employee while in the performance of duty, whether or not disability has arisen, the United States shall furnish to the employee all services, appliances, and supplies prescribed or recommended by duly qualified physicians which, in the opinion of the commission, are likely to cure or to give relief or to reduce the degree or the period of disability or to aid in lessening the amount of the monthly compensation. Such services, appliances, and supplies shall be furnished by or upon the order of United States medical officers and hospitals, but where this is not practicable they shall be furnished by or upon the order of private physicians and hospitals designated or approved by the commission. For the securing of such services, appliances, and supplies, the employee may be furnished transportation, and may be paid all expenses incident to the securing of such services, appliances, and supplies, which, in the opinion of the commission, are necessary and reasonable. All such expenses when authorized or approved by the commission shall be paid from the employees' compensation fund. * * *

* * * * * * *

Sec. 40. That wherever used in this act— * * *

The term "compensation" includes the money allowance payable to an employee or his dependents and any other benefits paid for out of the compensation fund: * * *

STATEMENT

On November 19, 1946, an explosion occurred in a rocket ammunition storage compartment aboard the

aircraft carrier USS ANTIETAM, then undergoing repairs at the San Francisco Naval Shipyard. Appellant and other shoreside civil and military employees of the Navy, forming part of a mixed civil and military work gang, were injured. The circumstances of the explosion, necessarily involving matters affecting the national security, would not admit of the full disclosure required for judicial determination of the absence or existence of negligence or other fault on the part of libelant's fellow servants. The Government concluded that the national interest would be best served by not attempting a trial of that issue. Accordingly, pursuant to the settled policy in such situations, the United States conceded formally that the case might be adjudicated as one within the doctrine of res ipsa loquitur (R. 169-170). The court below made no findings respecting the alleged negligence on the part of libelant's fellow servants. The trial was directed solely to the question of whether appellant, in addition to his rights under the compensation, paid leave and retirement statutes, had also a right to recover damages by suit against the United States.

Appellant at all times pertinent was and still is a shoreside civil service employee of the Navy (R. 30, 167). He was first employed in 1940 and had held supervisory positions (R. 71, 83-84, 90, 123). On November 19, 1946, the day of his injury, he was serving at the San Francisco Naval Shipyard (R. 31). At the time of his injury he was engaged with a mixed gang of civil and military service employees in repairing an ammunition compartment for the storage of rockets aboard the USS ANTIETAM (R. 134-136, 138). An ex-

plosion occurred in the course of their work as a result of which appellant and other military and civil employees were injured.

Appellant by reason of his six years of government service and his former position as a supervisor was familiar generally with the statutory rights of civil service employees to hospitalization, treatment, paid leave and disability benefits and with the requirements for obtaining them (R. 83-91). Appellant had fifty-eight to sixty days of accrued sick leave standing to his credit (R. 71). Accordingly, he did not file a Form CA-4, "Claim for Compensation on Account of Injury" for payment of disability benefits (R. 59, 76). Instead he exercised his right in accordance with Section 8 of the Compensation Act (5 U.S.C. 578) to use, first, this accrued sick leave for two and a half months and then to obtain, second, an advance of sick leave so that he returned to work after nearly four months without collecting cash compensation by means of never being out of a full pay status (R. 80, 94-95, 98, 99, 100).[1] At the time of his injury appellant was not able to fill out the necessary forms and in order to provide for his hospitalization, compensation form CA-1, "Notice of Injury" was executed on appellant's behalf by Mrs. Hilda Lier, Compensation Clerk at the Naval Shipyard (R. 55, 58, 64). At that time appellant was in need of treatment but was too dazed to give consideration to the requirements and effect of his hospitalization as a com-

[1] Compensation Form CA-3 (Respondent's Exhibit A-1) shows that appellant was out sick a total of 109 days or nearly four months (from November 20, 1946 to March 10, 1947). His accrued leave of 58 or 60 working days carried him two and a half months (from November 20, 1946 until February 7, 1947). He was then advanced sick leave to cover the remainder of the four-month period.

pensation beneficiary (R. 89, 91). But although appellant knew he was being hospitalized at government expense under the Compensation Act and that the required forms must have been executed for him, he remained in the hospital 14 days and was under out-patient treatment for more than six months without objection (R. 84, 89, 92, 101, 152). Appellant never at any time repudiated the Notice of Claim executed by Mrs. Lier on his behalf, or attempted otherwise to reject the benefits of the Compensation Act, including his collection of four months paid leave under section 8 of the Act.

The court below rejected the Government's long established position that the right of civil and military employees under the compensation, paid leave and retirement statutes was exclusive. However, on the basis of the foregoing evidence, the court found that appellant "was fully aware and cognizant of the hospital and medical benefits available to him * * * under the Federal Employees' Compensation Act," and "* * * with such knowledge, applied for, received and accepted hospitalization and medical attention as a benefit under said Act" (R. 31). The court concluded that hospitalization and treatment are a part of compensation benefits and that by accepting them appellant "made his election to accept compensation" which "bars and estops him from recovery * * * under the Public Vessels Act" (R. 32).[2] A decree for the United States followed.

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[2] The court thus found it unnecessary to reach the question of whether appellant's election to collect accrued and advanced sick leave at full wages constituted acceptance of compensation, in accordance with section 8 of the Act.

Relying on the rule that the successful party may not appeal but is entitled to urge any ground in support of the correctness of the decision, although rejected by the court below,[3] the United States, having been successful and having nothing to appeal from, took no appeal from the District Court's refusal to hold appellant's compensation, paid leave and retirement rights exclusive or to apply the fellow servant rule. Appellant, however, appeals to this Court from the lower court's holding that acceptance of statutory benefits precluded his recovery and the Government renews its contentions as added grounds for affirmance.

ARGUMENT

I

Appellant's Rights under the Applicable Compensation, Paid Leave and Retirement Statutes Are Exclusive of Recovery by Suit; the Nature of the Operations of the Armed Services Confirms the Necessity of This Rule

Appellant's recovery of damages for service-incident injury is precluded by the existence of his rights under the applicable system of compensation, paid leave and disability retirement statutes. In *Feres* v. *United States,* (1950) 340 U.S. 135, the Supreme Court held that recovery for service-incident injury or death of military service employees may not be had by suit under whatever jurisdictional statute is otherwise applicable. The question of whether the same rule applies to similar service-incident death, injury or illness of civil service employees has given rise to diver-

[3] *United States* v. *Amer. Ry. Exp. Co.,* (1924) 265 U.S. 425, 435; *Langnes* v. *Green,* (1931) 282 U.S. 531, 538; *Story Parchment Co.* v. *Paterson Co.,* (1931) 282 U.S. 555, 560; *Helvering* v. *Gouran,* (1937) 302 U.S. 238, 245.

gent views in the lower federal courts. The majority have held that absent an explicit command for double recovery or election, where service-incident injury, illness or death of government employees, whether in civil or military service, is involved, the right to compensation, paid leave and disability retirement is exclusive and precludes the existence of any right of action for tort despite the undoubted existence of a judicial remedy for the enforcement of such causes of action where there is such a right. *Johansen* v. *United States,* (2d Cir., 1951) 191 F. 2d 162; *Mandel* v. *United States,* (3d Cir., 1951) 191 F. 2d 164;[4] *Posey* v. *Tennessee Valley Authority,* (5th Cir., 1937) 93 F. 2d 726; *Lewis* v. *United States,* (D.C. Cir., 1951) 190 F. 2d 22, cert. den. 342 U.S. 869. The Fourth Circuit alone has explicitly held the contrary. *United States* v. *Marine,* (4th Cir., 1946) 155 F. 2d 456, followed in *Johnson* v. *United States,* (4th Cir., 1950) 186 F. 2d 120.

We submit that this unanimity of decision in four out of five circuits in refusing to draw any distinction between service-incident injury and death of civil and military service employees should be accepted by this Court as controlling in this present case despite the minority view of the Fourth Circuit. Our brief in the companion case, No. 12,906, *United States* v. *Vatuone,* discusses the various decisions and argues in detail the reasons for the correctness of the majority rule of four out of five circuits. We do not repeat that argument here but ask the Court to refer to our *Vatuone* brief for its complete presentation.

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[4] Upon the joint application of the two libelants and the United States, certiorari in the *Johansen* and *Mandel* cases was granted January 2, 1952.

This view of four out of five circuits, if accepted, is dispositive of appellant's entire case and renders unnecessary any consideration of the fellow servant and election of recovery questions discussed in points II and III, *infra*. We do believe, however, that a word should be said about the reasons why Congress could not have intended that government-employed civilian repairmen should alone enjoy both the right to compensation and the right to recover damages.

The necessity for the exclusiveness of compensation in the case of civil as well as military employees of the army and navy who are engaged in the repair of military vessels is evident upon consideration of the nature of their work. If appellant and his fellow workmen—civil and military—had been employees of a private repair yard working on a commercial vessel there would be no question but that their compensation rights would be exclusive. *First,* it is obvious that the circumstances that appellant was one of the civil members of a mixed gang of civil and military employees of the Defense Department engaged in work on defense features of a military vessel makes it even more important that he, like military and private employees, be limited to compensation and excluded from recovery on the theory of tort liability.

In the present case, the work was being done by a mixed crew of civil and military employees and involved defense installations. As is usual in such cases, the national security did not permit disclosure concerning the facts surrounding the accident so as to permit the United States to defend. Thus, if compensation is

not exclusive, the taxpayers must accept the burden of liability based on a broadened doctrine of "res ipsa loquitur" or even as in the *Mandel case,* (*supra,* 74 F. Supp. 754, reversed, 191 F. 2d 164) upon a default judgment entered because of inability of the United States safely to produce the record of the Board of Investigation into the casualty.

Second, the unlikelihood of the construction, that government-employed ship repairmen if in the civil and not the military service are entitled to both compensation rights and the right to recover damages, having ever been intended by Congress is still more obvious when the compensation benefits available to privately-employed ship repairmen, to civil-service employees and to their fellow military-service employees, are compared. The benefits under the Federal Employees' Compensation Act are always incomparably more liberal than those of the other two groups. Thus, the injured private employee's compensation is only two-thirds of his pay, but not to exceed in any case more than $35 per week (33 U.S.C. 908, 906), but the civil service employee's compensation may amount to as much as $525 per month and is increased from two-thirds to three-fourths of his pay if he has dependents (5 U.S.C. 754, 756). In case of death the advantage for civil employees is still greater. In the event of the death of a soldier or sailor regardless of rank, a wife and one child is entitled to $78 per month with $15 for each additional child (38 C.F.R. 1946 Supp. 35.06, p. 5913). Under the Federal Employees' Compensation Act, a wife receives 45 percent of the decedent's pay,

a wife and one child 55 percent, and additional children 15 percent each, but not to exceed in all three-fourths of the decedent's pay or $525 per month (5 U.S.C. 760). The widow of a privately employed ship repairman, on the other hand, receives only 35 percent of the decedent's wages taken at not to exceed $52.50 and each child 15 percent additional, but not to exceed in all the comparatively insignificant sum of two-thirds of $52.50 or a total of $35 per week (33 U.S.C. 909). The rights are thus very unequal even without giving the civil employee a double right to damages as well as compensation.

We thus believe it improbable in the extreme that Congress intended to place civil service employees in a position so far superior both to private ship repairmen and to their fellow workmen in the military service. It is not believable that Congress intended them to have the right to collect not only many times the compensation of private and military employees but also the right to recover damages by suit against the United States.

II

Appellant's Actual Receipt of Any Benefits Whatsoever Pursuant to the Compensation, Leave and Retirement Statutes Precludes His Maintaining This Suit

Appellant appears to have learned by long service in supervisory posts how to obtain the maximum recovery under the Compensation Act. Appellant thus elected to collect not only his full wages as accrued but also sought and obtained advanced sick leave pursuant to Section 8 of the Compensation Act (5

U.S.C. 758) rather than seek disability benefits of 75 percent of wages under Sections 3 and 6 (5 U.S.C. 753, 756). Appellant similarly elected to continue to receive hospitalization and medical treatment under Section 9 (5 U.S.C. 759) as a compensation beneficiary. He here seeks to argue he never received "compensation" since he in fact received more under the Compensation Act. The Government believes that under established principles appellant's election of paid leave and medical benefits operates the same as receipt of cash compensation and constitutes a further bar to this present suit. It precludes any litigation of the broader question of whether the benefits of the compensation, leave and retirement statutes are exclusive of any cause of action for damages under whatever jurisdictional act may be appropriate.

The court below correctly held that appellant's election to receive any type of compensation benefits bars this suit. Appellant's insistence throughout, that his action in accepting the benefits of paid leave and hospitalization did not constitute a formal ratification of the applications for hospitalization and compensation made on his behalf in accordance with law is without merit. The general rule is stated in 71 Corpus Juris, p. 1488:

> An election to take compensation under the statute as evidenced by bringing proceedings to secure compensation, even though compensation is denied, or the right thereto disputed, *or by accepting medical services* . . . bars an action to recover damages. (Emphasis supplied)

It is true that no express provision is made for elec-

tion but, as Mr. Justice Jackson said of this problem in *Feres* v. *United States,* (1950) 340 U.S. 135, 144:

> This Court, in deciding claims for wrongs incident to service under the Tort Claims Act, cannot escape attributing some bearing upon it to enactments by Congress which provide systems of simple, certain, and uniform compensation for injuries or death or those in armed services. We might say that the claimant may (a) enjoy both types of recovery, or (b) elect which to pursue, thereby waiving the other, or (c) pursue both, crediting the larger liability with the proceeds of the smaller, or (d) that the compensation and pension remedy excludes the tort remedy. There is as much statutory authority for one as for another of these conclusions. If Congress had contemplated that this Tort Act would be held to apply in cases of this kind, it is difficult to see why it should have omitted any provision to adjust these two types of remedy to each other. The absence of any such adjustment is persuasive that there was no awareness that the Act might be interpreted to permit recovery for injuries incident to military service.

However, we believe the general rule of preclusion from suit was correctly followed by the court below in this case when it held that acceptance barred any further action by appellant.

The Compensation Act expressly provides in Sections 9 and 40 (5 U.S.C. 759 and 790) that hospitalization and medical treatment shall be provided its beneficiaries at the expense of the compensation fund and that the term "compensation" includes not only the money allowances but also medical, hospital and burial

benefits—"any other benefits paid for out of the compensation fund" (5 U.S.C. 790). Nothing anywhere in the statutes requires that a claim for cash compensation must first be filed before the claimant can be furnished medical care under section 9 or allowed to elect paid leave under section 8. On the contrary, the statutes and regulations alike provide that the CA-1, "Employee's Notice of Injury or Occupational Disease,"[5] and the CA-16, "Official Superior's Request for Medical Treatment," are to be executed on behalf of the employee. It therefore avails appellant nothing to argue in the face of the statute that acceptance of medical benefits is not acceptance of compensation and to ask, if so, when is the election (Br. 22)? In the present case, at least, there is no problem. Appellant continued to accept benefits in the form of both advances of paid sick leave and hospitalization for many weeks after he had recovered sufficiently to be fully aware that the United States was supplying his hospitalization and paying him full wages pursuant to his election to receive them under section 8 of the Compensation Act.

Under both the Federal Employees' Compensation Act and State Workmen's Compensation Act acceptance of burial and medical benefits are held to bar suit. *Ocasio* v. *United States,* (D. Puerto Rico) 99 F. Supp. 601; *Mains* v. *J. E. Harris Co.,* (1938) 119 W. Va. 730, 197 S.E. 10, 12; *Hlas* v. *Quaker Oats Co.,* (1930) 251

[5] It is to be noted that appellant attempts (Br. 11) to confuse the point by giving the title erroneously as "Employee's notice of injury and original claim for compensation and medical treatment." Compare Resp. Ex. A-1, photostat 14.

Mich. 393, 232 N.W. 201.[6] The contention that the beneficiaries should not be bound because the Government takes the position that compensation is exclusive and never points out that, if it is in error, acceptance may constitute a further ground of preclusion is totally without merit. A related contention was rejected in *Talge Mahogany Co.* v. *Burrows,* (1921) 191 Ind. 167, 130 N.E. 865, 873, the court observing:

> It is not the law that a person who has done an act, with full knowledge of all material facts, can avoid the consequences annexed by law to such act, by alleging and testifying that when he did it he was not advised that the law gave him a choice between that course and a different one, and that he afterward learned what the law was and chose the different course.

We submit that, equally in the case now at bar, this ground of preclusion by acceptance of medical and paid sick leave benefits fully supports the court below in dismissing appellant's libel.

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[6] Cases involving the provision of the Longshoremen's Act are not to the contrary. There Section (33 U.S.C. 907, 933) provides that acceptance of medical benefits shall not operate to effect an automatic assignment of the employee's cause of action against a third party. The corresponding provision of the Federal Employees' Compensation Act, it should be noted, does not provide for such an automatic assignment even in the case of money payments under an award. See Sections 26 and 27 (5 U.S.C. 776, 777).

III

Appellant, a Repairman, Is Not Entitled to the Benefit of the Jones Act or the Doctrine of Unseaworthiness and the Fellow-Servant Rule Bars Any Recovery for Negligence

Judicial decisions have brought the longshoremen employed by stevedores to work loading and unloading aboard ship within the protection afforded seamen by the traditional doctrine of the unseaworthiness of the vessel and the Jones Act exemption from the fellow-servant rule. *Seas Shipping Co.* v. *Sieracki,* (1946) 328 U.S. 85; *International Stevedore Co.* v. *Haverty,* (1926) 272 U.S. 50. Appellant, however, was not a longshoreman but a shoreside ship repairman and as such is excluded from the benefits of the protection which seamen and longshoremen enjoy. *Guerrini* v. *United States,* (2d Cir.) 167 F. 2d 352, 354, cert. den. 335 U.S. 843; *O'Connell* v. *Naess,* (2d Cir., 1949) 176 F. 2d 138, 140; *Martin* v. *United States,* (2d Cir., Nov. 30, 1951) — F. 2d —.

The reason of this rule of exclusion is obvious. Stevedoring is work which formerly was performed by the ship's crew. Indeed, on Alaskan voyages it continues to this day to be so performed. But in the case of repair mechanics, such as appellant, they are performing work not ordinarily done by seamen and they are therefore not classed with seamen. It is true that aboard military vessels it is not unusual to find repair personnel as members of the crew. This of itself, however, only shows the impropriety of the attempt to assimilate the operation of military transport vessels to that of merchant vessel operation.

From time immemorial merchant ships have been put

out of service and into a ship yard or at some other dock to undergo repairs. Invariably such repair work has been done by a gang of specially trained mechanics and not by members of the ship's crew. Union agreements would, in fact, entirely prevent the merging of the two groups of men where merchant shipping operations are involved. It was only to protect those doing crew members' work that the Jones Act was passed, not to protect shoreside mechanics engaged in ship repair.

Both where maritime employment is concerned and where the relationship between the United States and its employees, whether civil or maritime, is involved, state legislation may not alter the federal law. *Robins Dry Dock Co.* v. *Dahl,* (1925) 266 U.S. 449; *United States* v. *Standard Oil Co.,* (1947) 332 U.S. 301, 305-311. Accordingly the fellow-servant rule remains operative to the extent that it is not extinguished by either the Jones Act (46 U.S.C. 688) or the Longshoremen's and Harborworkers' Compensation Act (33 U.S.C. 905).

A scrutiny of the Longshoremen's Act and of the Federal Employers' Liability Act (45 U.S.C. 51), made applicable to seamen by the Jones Act, makes it clear, however, that the fellow-servant defense is abrogated only as to those employees covered by such Acts. The statutes abolishing the fellow-servant rule are limited by the object of the legislation to those employers who are required to furnish compensation or who are carriers; the abolition does not reach to employees who are beyond the ambit of the act. See e.g., *Price* v. *Railway Express Agency,* (1948) 322 Mass. 476, 479, 78 N. E. 2d 13, 16; *Southern Ry. Co.* v. *Taylor,* (D.C. Cir.,

1926) 16 F. 2d 517, 522. It is settled that employers of personnel not included in the operation of such acts can avail themselves of the fellow servant defense. Thus Section 5 of the Harborworkers Act (33 U.S.C. 905), denying employers the benefit of the fellow servant defense for failure to secure compensation payments, does not apply because Section 3 (2) of that Act (33 U.S.C. 903) excludes employees of the United States from its coverage.

This Court settled long ago that except to the extent that the Jones Act relieves maritime workers of the fellow-servant rule the latter bars recovery. *Hammond Lumber Co.* v. *Sandin,* (9th Cir., 1927) 17 F. 2d 760, cert. den. 274 U.S. 756; *Carstensen* v. *Hammond Lumber Co.,* (9th Cir., 1926) 11 F. 2d 142; *Western Fuel Co.* v. *Garcia,* (9th Cir., 1919) 260 Fed. 839; *The Hoquiam,* (9th Cir., 1918) 253 Fed. 627; *Mallory SS Co.* v. *Simmons,* (5th Cir., 1924) 2 F. 2d 970. Boynton, "The Fellow Servant Rule in Admiralty," (1926) 1 Wash. L. Rev. 195. Completely controlling is the *Sandin* case, *supra.* There a longshoreman was injured by the negligence of the mate and this Court held that only the longshoreman's enjoyment of the benefits of the Jones Act prevented him from being barred from recovery (17 F. 2d at 761). Here, appellant not being a seaman or a longshoreman does not enjoy the benefit of that Act and any recovery is barred by the fellow-servant rule.

We submit therefore that, entirely aside from the questions of preclusion by compensation, the decision of the court below dismissing the libel is fully sustained by the fellow servant rule.

CONCLUSION

For the foregoing reasons it is respectfully submitted that the decision of the court below dismissing the libel should be affirmed.

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